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General Assembly

FORTY-EIGHTH SESSION

Official Records

GENERAL COMMITTEE
13th meeting
held on
Friday, 22 July 1994
at 9.30 a.m.
New York

SUMMARY RECORD OF THE 13th MEETING

Chairman: Mrs. FRITSCHE
(Vice-President of the General Assembly)

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In the absence of Mr. Insanally (President of the General Assembly), Mrs. Fritsche (Vice-President of the General Assembly) took the Chair.

The meeting was called to order at 9.45 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-EIGHTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by various countries (A/48/957)

1. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional item entitled "Observer status for the Sovereign Military Order of Malta in consideration of its special role in international humanitarian relations".

2. Mr. MONGBE (Benin), speaking also on behalf of Argentina, Austria, Burkina Faso, Côte d'Ivoire, Croatia, the Czech Republic, Ecuador, Guatemala, Hungary, Italy, Lebanon, Lithuania, Malta, Morocco, Nicaragua, the Philippines, the Republic of Korea, Poland, Portugal, Romania, San Marino, Spain, Thailand, Togo, Uruguay, Venezuela and Zaire, introduced the request contained in document A/48/957, whose purpose was to honour the Sovereign Military Order of Malta, the oldest humanitarian assistance organization in the world. Since its foundation in the year 1070, the Order had dedicated itself to alleviating suffering in both time of war and time of peace. In 1961 it had adopted a new constitution and currently had its headquarters in Rome. Thousands of volunteer members of numerous national associations provided countless services in many developing countries, especially in Africa, where the Order was building hospitals, clinics and leprosaria and aiding the disadvantaged, the persecuted, the disabled, orphans, the elderly and displaced persons, thus contributing to human rights and human dignity. The Order of Malta coordinated its activities with national and international assistance agencies and the Governments of donor and recipient countries, and had diplomatic representation in many countries, including Benin, as well as delegations accredited to many international agencies and institutions. Granting observer status to the Sovereign Military Order of Malta in the General Assembly would enhance the coordination and effectiveness of its activities on behalf of the disadvantaged. In many parts of the world, human tragedies were occurring which could not easily be solved by Governments and which required the valuable contribution of non-governmental organizations with the competence and dedication of the Order of Malta.

3. Mr. WOOD (United Kingdom) said that the work of the Sovereign Military Order of Malta was admired throughout the world. Nevertheless, his delegation was concerned that the item's proposed title referred to the special role of the Order in international humanitarian relations. It was necessary to ask whether the Order of Malta actually played a special role in humanitarian relations, and whether that role was a valid reason for granting observer status. That

(Mr. Wood, United Kingdom)

question would have to be considered when the substance of the matter was taken up. In the meantime, the title of the item should be couched in more neutral terms and should simply be "Observer status for the Sovereign Military Order of Malta."

4. His delegation was also concerned about the manner in which the proposed item was to be handled. The request for inclusion of the item has been submitted in accordance with rule 15 of the rules of procedure of the General Assembly, which provided for inclusion in the General Assembly agenda of additional items of an important and urgent character. It was not clear how the matter under discussion could be considered to be of an "urgent character". In view of the difficulties it involved, the best course might be for the appropriate Main Committee to consider the matter. The request presented a problem with regard to the Assembly's established practice in that regard. When observer status had been granted to the International Committee of the Red Cross (ICRC), the agreement was that the decision in that case was absolutely exceptional, and it had been explicitly pointed out that the proposal should not and could not be considered in any way a precedent for any other request to grant such status to a non-governmental organization. So far, apart from States and some national liberation movements, only intergovernmental institutions had been granted observer status in the General Assembly. That practice was reflected, for example, in rule 79 of the rules procedure of the Economic and Social Council, as well as in the "blue book" issued by the Secretariat, in which those bodies having observer status were grouped under the title of "intergovernmental organizations". Article 71 of the Charter itself specified that non-governmental organizations would be authorized to establish a relationship with the Economic and Social Council.

5. The General Assembly certainly had the power to change its practices and accept a succession of non-governmental organizations as observers, but very important practical considerations and considerations of principle would come into play in such cases. For that reason the item warranted careful study, and should not be dealt with in haste, or handled like a routine matter in the last days of the forty-eighth session. It would be better to include the item in the provisional agenda of the forty-ninth session. The General Committee of the Assembly could then, at the beginning of that session, consider the possibility of allocating it to a Main Committee. Of course, if the general opinion of the General Committee was that the item should be included in the agenda of the forty-eighth session, the United Kingdom delegation would yield to it, but without prejudice to its views on the substance of the matter or the appropriate procedure for dealing with the item at the forty-eighth session.

6. The CHAIRMAN said that the representative of Italy had asked to participate in the discussion, in accordance with rule 43 of the rules of procedure.

7. At the invitation of the Chairman, Mr. Fulci (Italy) took a place at the Committee table.

8. Mr. FULCI (Italy) said that his delegation could agree to shortening the title of the item, as proposed, but only if it were a change in form in order to accommodate the representative of the United Kingdom, as it did not agree with the substance of his argument. The Order of Malta undeniably played a special role in international humanitarian relations, because it had been carrying out its activities for more than nine centuries, because of the unselfish motivation of the thousands of volunteers who participated in its activities for the needy, and because of the extraordinary skill with which it transformed titles, ceremonies and estates into hospitals, ambulances, medical supplies and all types of services for the needy, the world over. The Order of Malta was no ordinary non-governmental organization and it was not a State either, for it had no territory or population of its own. It was what the Romans called sui generis. The raison d'être of the Order of Malta continued to be international hospital activities, just as it had been in the year 1070. The Order was an entity which had lost its territorial power two centuries earlier but continued to enjoy international recognition.

9. The representative of the United Kingdom had cited as precedents the statements made at the time that observer status had been granted to the International Committee of the Red Cross (ICRC). The case of the Order of Malta was completely different. While the work of ICRC was extremely valuable, and had earned international praise and recognition, unlike the Order of Malta, it did not maintain diplomatic relations with other countries. Governments did not grant diplomatic status to ICRC representatives, but 64 Member States of the United Nations granted that privilege to the representatives of the Order of Malta.

10. As for whether the question was important and urgent, it was well known that the General Assembly had set precedents during the current session which there was no need to enumerate. It was not a purely legal issue to be considered by the Sixth Committee, but rather a matter of political sensitivity, of recognizing the extraordinary, varied and universal contribution to international humanitarian relations made by the Order of Malta, which was not a non-governmental organization in the ordinary sense of the term. Granting the Order observer status now would be a major incentive for it to redouble its already considerable efforts and extend them to areas in which the United Nations had begun working more intensely in order to mitigate human suffering throughout the world.

11. The request to include the item in the agenda bore the signature of 28 countries from all the regional groups in the United Nations. It was therefore appropriate for their views on the question to be heard by the other members of the Assembly.

12. Mr. Chong-Ha YOO (Republic of Korea) said that his delegation had joined the sponsors of the draft resolution on granting observer status in the General Assembly to the Order of Malta. On the threshold of the third millennium, the world was still suffering from the effects of national, ethnic, religious and political conflicts and natural disaster. Millions of men, women and children

(Mr. Chong-Ha Yoo, Republic of Korea)

were dying of hunger, in need of shelter and deprived of the most basic necessities of life. Throughout the centuries, the Order had been devoted to providing humanitarian assistance to large numbers of people and, today, thanks to its extensive international network, provided emergency assistance and services to the needy, the persecuted, the abandoned and the suffering, and thereby helping to safeguard human dignity. The Order of Malta already enjoyed observer status with UNESCO, WHO, FAO and UNHCR, and it had a special official relationship with various Governments. Granting it observer status would facilitate its cooperation with the United Nations and with other institutions which provided international humanitarian assistance and would be an incentive to carry out its activities more effectively.

13. Mr. MARTINI HERRERA (Guatemala) said that, for nine centuries, the primary objective of the Order of Malta had been to provide international humanitarian assistance and protect human rights and human dignity. The recognition of its work and support for its presence in the United Nations would facilitate its humanitarian activities even more, for the Order did not confine its cooperation to the developed countries alone but it also provided irreplaceable support to the countries of the developing world, both in time of war and in peacetime. The Order, which had been one of the first organizations to provide assistance to victims of the civil war in the former Yugoslavia, was active in Latin America and even in Guatemala, where its assistance had taken the form of works benefiting the community as a whole and donations of food and medicines. All those activities had earned it universal respect and it would be incomprehensible to stand in the way of its desire to facilitate the pursuit of its noble objectives and to pursue those objectives on a more universal scale. His delegation supported the inclusion of the new item in the agenda of the forty-eighth session of the General Assembly in the belief that granting observer status to the Order of Malta would strengthen its relations of cooperation with the United Nations and would facilitate the expansion of its humanitarian activities.

14. Mr. LADSOUS (France) praised the admirable work of the Order of Malta in many parts of the world and acknowledged its very special character under international law. Like the representative of the United Kingdom, he felt that the second part of the title of the agenda item should be deleted. He supported inclusion of the item in the agenda of the forty-eighth session of the General Assembly.

15. Ms. AL-HAMAMI (Yemen), speaking on behalf of the Chairman of the Third Committee, supported the inclusion of the item in the agenda of the forty-eighth session of the General Assembly. In view of the humanitarian activities carried out by the Order, it deserved to be granted observer status.

16. Mr. ELARABY (Egypt) expressed full support for the draft resolution contained in document A/48/957 with no amendment whatsoever and said that, the Committee had dealt with similar cases in the past. He referred to the case of ICRC, where it seemed to him that a decision to grant observer status had been taken based on the fact that that body discharged its mandate on behalf of the

(Mr. Elaraby, Egypt)

international community. The Order of Malta, which maintained diplomatic relations with many countries, including Egypt, and already enjoyed observer status with other international organizations, had proved its devotion to the cause of humanitarian assistance through its activities.

17. Mr. MONGBE (Benin) agreed with the suggestions made by the representatives of the United Kingdom and France concerning the title of the proposed item. As for the urgency of the item, an issue raised by the representative of the United Kingdom, there were precedents whereby the Committee had agreed to include in the agendas of previous sessions items which it did not consider urgent. He also noted that the Sovereign Military Order of Malta could not be placed in the same category as other non-governmental organizations.

18. Mr. PONCE (Ecuador) supported the remarks of the Beninese representative. His delegation had no objection to shortening the title of the item. He agreed with the Italian representative that the Order was more than a non-governmental organization, since it maintained diplomatic relations with more than 60 States, including Ecuador. He therefore hoped that the item would be included in the agenda of the forty-eighth session of the General Assembly.

19. Mr. ZHANG Jun (China) said he shared the concern expressed by the representative of the United Kingdom, particularly about whether to consider the Sovereign Military Order of Malta a non-governmental organization. In his view, the item should be considered in greater depth and the General Committee should proceed with caution and take all appropriate steps in order to reach an agreement acceptable to all parties.

20. Mr. WLOSOWICZ (Poland) supported the inclusion of the item and expressed the hope that the Order of Malta would be able to participate in the work of the General Assembly as an observer.

21. Mr. RAHMAN (Bangladesh) said that the Committee should consider the question with all due seriousness. While there was no denying the importance of the work carried out by the Order or the fact that it would be strengthened if it were to be granted observer status, the Committee's task was to determine whether it would end up giving the same consideration to other very worthy charitable and non-governmental organizations. While the provisions of Article 71 of the Charter and rule 79 of the rules of procedure of the Economic and Social Council could not be overlooked, consideration should be given to the fact that the Order was not a non-governmental organization like any other. It must be viewed as an exceptional case, as ICRC had been during the debate on whether to grant it observer status, and it must be made clear that such status was not granted indiscriminately. His delegation supported the inclusion of the item in the agenda of the forty-eighth session of the General Assembly and the proposal to amend the title of the item.

22. Mr. HADID (Algeria) said that the quality of the sponsors' arguments had moved him to take a cooperative stance in support of the proposal submitted.

23. Mr. LUKABU KHABOUJI N'ZAJI (Zaire) said that his country, as a sponsor of the request before the Committee, had no objection whatsoever to shortening the title of the proposed item, as the representative of the United Kingdom had requested. Moreover, Zaire was in a better position than any other country to understand and stress the urgency of the work carried out by organizations like the Sovereign Military Order of Malta, for it was a witness to the tragic situation of the Rwandese refugees who were in its territory. If the granting of observer status to the Order of Malta would facilitate its assistance to persons like those refugees, no time should be lost reflecting at length on whether a decision should be taken urgently. All those who had expressed formal objections should withdraw them and agree to include the proposed item in the agenda of the forty-eighth session of the General Assembly.

24. Mrs. VASISHT (India) said that, as the representatives of the United Kingdom and China had indicated, such requests should be dealt with carefully. Her delegation was in favour of continuing to discuss the question before adopting a decision, either during the current session or during the forty-ninth session of the General Assembly.

25. Mr. ROGACHEV (Russian Federation) said that the humanitarian assistance role which the Order of Malta had played and continued to play had earned the respect and gratitude of all, as illustrated by the long list of delegations sponsoring the request to grant the Order observer status in the General Assembly. However, it was not a decision which the General Committee could take lightly. Above all, care should be taken in determining to what extent such a decision would benefit the activities of both the Order and the Assembly and also whether the matter was urgent. His delegation believed that a decision was not justified on the basis of rule 15 of the rules of procedure of the General Assembly. There were also legal difficulties. His country was one of many which had established diplomatic relations with the Sovereign Military Order of Malta and perhaps that situation was somehow in conflict with the proposal to grant observer status to the Order as a non-governmental organization. His delegation would therefore prefer to include the proposed item in the agenda of the forty-ninth session, with the changes suggested by the representative of the United Kingdom.

26. Mr. PURSOO (Grenada), Mr. AL-SUWAIDI (United Arab Emirates), Mr. KALPAGÉ (Sri Lanka), Mr. BULL (Liberia), Ms. SEMGURUKA (United Republic of Tanzania) and Mr. SERME (Burkina Faso) supported the request to include the proposed item in the agenda of the forty-eighth session of the General Assembly and had no objection to shortening the title of the agenda item.

27. Mr. WOOD (United Kingdom) thanked those delegations which had accepted his suggestion to shorten the title of the proposed agenda item. He should also clarify that the doubts expressed by his delegation related mainly to the difficulties of drawing a distinction between the Order of Malta and many

(Mr. Wood, United Kingdom)

organizations which did comparable work, both in the humanitarian and human rights and other fields, and which might also request observer status in the General Assembly. None the less, if there was general agreement in that regard, his delegation would have no objection whatsoever to including the proposed item in the agenda of the forty-eighth session.

28. Mr. MONGBE (Benin) welcomed the flexibility shown by the representative of the United Kingdom. He added that the Order of Malta was a special case as there was no other organization of its kind which had diplomatic relations with so many countries in the world. Any fears surrounding the request submitted should be dispelled by considering situations such as that of the Rwandese refugees referred to by the Zairian representative.

29. The CHAIRMAN recalled that the United Kingdom had proposed an amendment to the title of the item submitted for inclusion in the agenda of the General Assembly. The proposal would shorten the title by deleting the words "in consideration of its special role in international humanitarian relations". Moreover, in keeping with established practice in the wording of similar items, the addition of the words "in the General Assembly" had been proposed. Thus, the title of the proposed item, as amended, would be: "Observer status for the Sovereign Military Order of Malta in the General Assembly". In accordance with rule 130 of the rules of procedure of the General Assembly, the General Committee must first adopt a decision on the oral amendment moved by the United Kingdom. If she heard no objection, she would take it that the General Committee wished to adopt the amendment.

30. It was so decided.

31. The Committee decided to recommend that the General Assembly should include the additional item in the agenda.

32. The Committee decided to recommend to the General Assembly that the item should be considered directly in plenary meeting.

The meeting rose at 11.10 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

GENERAL COMMITTEE
14th meeting
held on
Tuesday, 13 September 1994
at 10 a.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mr. MWAKAWAGO
(Vice-President)

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The meeting was called to order at 10.15 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-EIGHTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by the Republic of Moldova (A/48/986*)

1. The CHAIRMAN invited the Committee to consider a request by the Republic of Moldova for the inclusion of an additional item entitled "Emergency assistance to the Republic of Moldova" and contained in document A/48/986*. The representative of the Republic of Moldova had indicated his desire to address the Committee in accordance with rule 43 of the rules of procedure.

2. At the invitation of the Chairman, Mr. Pantiru (Republic of Moldova) took a place at the Committee table.

3. Mr. PANTIRU (Republic of Moldova) expressed his delegation's sincere appreciation to the Governments and international agencies that had already provided humanitarian assistance to those affected by the recent drought, hurricane and floods that had taken place in his country. The damage caused by those natural disasters was estimated at $600 million. Nearly 50 persons had lost their lives; a very large number of houses, schools and hospitals had been destroyed; power and communication lines had been severely damaged; and thousands of hectares of crops had been lost. Details on the extent of the damage were set forth in the letter from the President of the Republic of Moldova to the Secretary-General in the annex to document A/48/986*. He hoped that his country's request for the inclusion of the additional item would be unanimously supported by the Committee.

4. Mr. KUDRYAVTSEV (Russian Federation), Mr. HADID (Algeria), Mrs. FLORES (Uruguay), Mr. MARTINI HERRERA (Guatemala), Ms. SEMGURUKA (United Republic of Tanzania) and Ms. AL-HAMAMI (Yemen) expressed solidarity with the Government and people of the Republic of Moldova and said that they supported the inclusion of the item.

5. The Committee decided to recommend that the General Assembly should include the additional item in the agenda.

6. The Committee decided to recommend to the General Assembly that the item should be considered directly in plenary meeting on a priority basis because of its urgency.

7. Mr. PANTIRU (Republic of Moldova) conveyed his delegation's appreciation for the expressions of sympathy and support addressed to his country's Government and people.

The meeting rose at 10.35 a.m.